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June 9, 2008

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The Honorable Victor Marrero  
Suite 660  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

USDS SDNY  
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Re: Washington Mutual Bank v. Robert Jay Gumenick, et al.  
United States District Court, SDNY, Case No. 1:08-cv-02154 (VM)

Dear Judge Marrero:

As you are aware, this law firm represents the plaintiff, Washington Mutual Bank ("WaMu"), in the above referenced matter. Defendants filed a Motion to Dismiss Pursuant to Fed. R.Civ.P. 12(b)(6), or Alternatively, to Stay Proceedings (the "Motion") on or about May 14, 2008. WaMu filed its opposition to the Motion (the "Opposition") on May 23, 2008. We received Defendants' reply to the Opposition (the "Reply") on or about June 2, 2008.

It is our understanding that Your Honor has not yet ruled upon the Motion. By this correspondence, WaMu respectfully requests the right to file a brief sur-reply memoranda in response to several of the issues raised by Defendants in their Reply.

Sincerely,

STEPHEN M. PACKMAN

*Request DENIED. The Court's Individual Practices do not provide for sur-replies, and the Court finds nothing in this case to warrant*  
**SO ORDERED: a departure.**  
6-10-08  
DATE  
MARRERO, U.S.D.J.

cc: Brett A. Scher, Esquire (via facsimile at (212) 490-3038)  
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